

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 19663 OF 1999

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10<sup>th</sup> November, 2005

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Between:

1. Manoj Kumar Bansal and another

...Petitioners

A N D

1. The Commissioner of Appeals, Office of the  
Chief Commissioner of Land Administrative,  
Andhra Pradesh, Hyderabad and Others

...Respondents

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**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

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**W.P.No. 19663 OF 1999**

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**ORDER:**

1. This writ petition has been filed by the petitioners who are two in number assailing

the order dated 9-9-1999 of the Commissioner of Appeals, Office of the Chief Commissioner of Land Administrative, Andhra Pradesh, Hyderabad passed in Proceedings No. HYD/68/99.

2. The facts of the case in brief leading to filing of this writ petition are:-

1<sup>st</sup> petitioner-Manoj Kumar Bansal submitted an application dated 7-4-1998 to the Special Officer and Competent Authority Urban Land Ceiling, Hyderabad-2<sup>nd</sup> respondent for grant of certified copy of proceeding in C.C.File No.H1/3038/76. The request of the 1<sup>st</sup> petitioner came to be turned down and thereupon an appeal came to be filed before the Commissioner of Appeals, office of the Chief Commissioner, Land Administrative, Hyderabad-2<sup>nd</sup> respondent. The appeal filed by the 1<sup>st</sup> petitioner came to be dismissed and thereupon the petitioners filed Writ Petition No. 14783 of 1999. This Court by order dated 19-7-1999 allowed the writ petition setting aside the order passed by the 2<sup>nd</sup> respondent. The relevant portion of the order passed in the said writ petition reads as follows:

*“Although Rule-15 of the said Rules provides that the certified copy of the proceedings be supplied to the parties to the proceedings, it is unreasonable to infer from that provision that there is a bar to issue certified copy of the proceedings to the person who are not parties to the proceedings. It is needless to state that the proceedings in respect of which the petitioners sought certified copies are public documents and the keeper of the record is obligated to issue certified copies to the applicants, of course, subject to payment of fees and performing other formalities governing issuance of certified copies or authenticated copies.*

*In the result, the writ petition is allowed and the impugned order is quashed. A direction shall issue to the second respondent to furnish certified copies of the documents sought by the first petitioner in his application dated 7-4-1998 within a period of three weeks subject to the petitioner paying the requisite fee and performing other formalities. No costs.”*

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3. Thereupon certified copies came to be furnished to the petitioner by the concerned authority. After securing certified copy of order passed by the Special Officer and Competent Authority Urban Land Ceiling, Hyderabad-2<sup>nd</sup> respondent, petitioners filed an appeal before the Commissioner of Appeals-1<sup>st</sup> respondent. 1<sup>st</sup>

respondent dismissed the appeal without considering the grounds urged by the petitioners in the Memorandum of Appeal by order dated 9-9-1999. Hence, this writ petition.

4. Respondents No. 3 and 4 filed counter affidavit. One M.Narsimloo has sworn to the counter affidavit. It is stated in the counter affidavit that proceedings under Urban Land Ceiling Act have been finalized and possession of surplus land has been taken over and the same in turn has been allotted to the District Educational Officer, Hyderabad for construction of School Building at Amberpet. The relevant portion of para 2 needs to be noted and it is thus;

*“The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad, vide proceedings No. H/3038/76 dated 29-10-1996 issued orders under Sec. 10(5) of the Act, authorized the Enquiry Officer for handing over the possession of surplus land to the Mandal Revenue Officer. Accordingly, the surplus land to an extent of 278.43 square meters situated in premises No. 2-3-741/A ( T.S.No.55/P, Block ‘E’, Ward No.165) has been handed over by the Enquiry Officer, U.L.C., Hyderabad to the Mandal Revenue Officer, Amberpet Mandal, on 18-1-1997 duly conducting panchanama. Later on the Collector, Hyderabad, in Proceedings No. C3/7251/97 dated 10-10-1997 allotted the land to the District Educational Officer, Hyderabad for construction of School building to the Government Boys Upper Primary School, Amberpet. Physical possession of the aid land has also been given to the Deputy Inspector of Schools, Barkatpura, Range, on 11-10-1997 under cover of panchanama for taking up construction of School buildings. The land in question is Government land declared by the landholder of Sri Jagannath Valvekar and his L.Rs. and it is in possession of Government. Hence the petitioner is not pattadar and legal heir of the landholder. The petitioners do not have any right or claim over the land”.*

5. Heard learned counsel for the petitioners and learned Government Pleader for Assignment appearing on behalf of the respondents.

6. Learned counsel for the petitioners submits that 1<sup>st</sup> respondent without going into the merits of the case dismissed the appeal summarily, on the ground that all the points raised by him were considered in the earlier appeal which came to be dismissed on 8-7-1999.

7. Perused the records. The reasoning given by the appellate authority is wholly unsustainable for the simple reason that the order dated 8-7-1999 passed by the appellate authority came to be set aside in W.P.No.14783 of 1999. In that view of the matter, the appellate authority has to apply his mind to the grounds urged by the appellants in the grounds of appeal and pass appropriate orders.

8. Accordingly, this writ petition is allowed setting aside the order dated 9-9-1999 and the matter is remitted back to the Commissioner of Appeals, office of the Chief Commissioner of Land Administrative, Hyderabad-1<sup>st</sup> respondent to consider the appeal filed by the petitioners and disposed of in accordance with law within three months from the date of receipt of a copy of this order. No order as to costs.

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B.Seshasayana Reddy,J

10<sup>th</sup> November, 2005

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**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

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